

REMARKS

Claims 1-33 and 51 are presently pending in the application. Claims 34-50, even though withdrawn from consideration, still remain in the application. Claim 51 was added. Support for new claim 51 can be found on page 8 of the specification, as well as in current claims 1 and 3.

Responsive to the requirement for election, Applicant hereby confirms the previous provisional election with traverse made on March 26, 2003 of Group I, claims 1-33, drawn to a sorbent and a process for making a sorbent, classified in class 208, subclass 244, but respectfully requests reconsideration of the requirement for restriction for the reasons given below.

Non-elected Group II, claims 34-48, drawn to a desulfurization process, classified in class 208, subclass 208R, and Group III, claims 49-50, drawn to a desulfurization product, classified in class 208, subclass 16, are retained in this application pending reconsideration of the requirement for restriction.

The requirement for restriction is respectfully traversed. The requirement for restriction is based, at least in part, on the grounds that the invention(s), as set forth in the Office Action are distinct and have acquired a separate status in the art as shown by the cited classifications, and the fields of search are not the same. All art classes referred to in the Office Action would properly be searched even if Groups II and III claims did not exist. Claims 34-48 claim a process using the composition covered by Group I claims, and claims 49-50 claim a product prepared using the composition covered by Group I claims. As

indicated by the rejection of the claims, the Examiner already has properly searched the art covered by Group I claims. The claims of Group I drawn to a sorbent, Group II drawn to a process, and Group III drawn to a product are believed sufficiently closely related in this application to be allowable in a single application since all sets of claims clearly relate to desulfurization processes. Further, the Examiner is respectfully requested to view MPEP '803 urging combination of claims such as is in this application. Applicant suggests that the claims are so closely related in substance as to render reasonable the withdrawal of the requirement for restriction. Reconsideration and withdrawal of the restriction requirement are respectfully requested.

The Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1, 2, 10 and 14 under 35 U.S.C. 102(b) as being anticipated by Kinoshita et al. (U.S. 6,068,824). The Examiner directs Applicant to the Abstract and column 2, lines 27-34 to show that Kinoshita uses zinc oxide, a carrier, and a reduced-valence noble metal. Applicant's reading of the Abstract and column 2, lines 27-34 is that Kinoshita teaches an adsorbent for nitrogen oxides that comprise at least one noble metal and the oxide of at least one heavy metal. Kinoshita also teaches a method for removal of nitrogen oxides. Kinoshita does not disclose or suggest a reduced valence noble metal useful for removal of sulfur from hydrocarbon streams. In fact, sulfur is not even disclosed or suggested by Kinoshita. Additionally, Applicant respectfully suggests that Kinoshita does not disclose, or even suggests, a reduced-valence noble metal. Further, a reduction step in the preparation of the Kinoshita adsorbent is not disclosed or suggested.

Therefore, withdrawal of the rejection under 35 USC 102(b) is respectfully requested.

Applicant has added new claim 51 which more particularly points out and distinctly claims what the Applicant considers the invention. Claim 51 teaches that the reduced-valence noble metal is present in an amount within a range of from about 0.01 to about 25 weight percent.

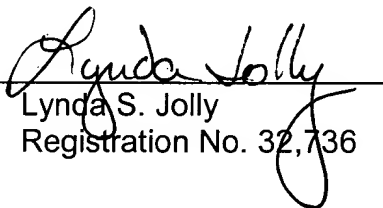
The Examiner is respectfully requested to reconsider and withdraw the rejection of claims 3-9, 11-13 and 13-16 under 35 U.S.C. 103(a) as being unpatentable over Kinoshita et al. (U.S. 6,068,824). The Examiner, on pages 4 and 5 clearly delineates what Kinoshita does disclose and does not disclose. Further, the Examiner broadly argues on pages 5-7 of the Office Action that everything lacking in Kinoshita would have been obvious to one of ordinary skill in the art. However, the Examiner does not provide any additional support as to how or why what is lacking in Kinoshita would be obvious to one of ordinary skill in the art. Applicant respectfully suggests that modifications to Kinoshita are not obvious to one of ordinary skill in the art because Kinoshita is directed only to adsorbents for nitrogen oxides and removal of nitrogen oxides. Kinoshita does not disclose or suggest, as disclosed in the presently pending application, that the Kinoshita sorbent is useful for sulfur removal. Further, as stated previously, Kinoshita does not disclose or suggest a reduced-valence noble metal sorbent useful for sulfur removal from hydrocarbon streams, that can be regenerated.

Applicant notes that claims 17-33 are allowable for the reasons stated in the Office Action.

In view of the foregoing remarks, reconsideration and allowance of claims 1-51 are respectfully requested.

Respectfully submitted

RICHMOND, HITCHCOCK,
FISH & DOLLAR

By 
Lynda S. Jolly
Registration No. 32,736

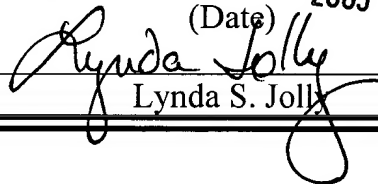
RICHMOND, HITCHCOCK,
FISH & DOLLAR
P.O. Box 2443
Bartlesville, Oklahoma 74005
1-918-661-0611

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450, on

SEP 25 2003

(Date)


Lynda S. Jolly